

AMENDMENT AND RESPONSE

In response to the Non-Final Office Action dated August 16, 2004, kindly amend the application as follows:

CLAIMS

Kindly amend the claims as shown in the listing of claims above. No new matter has been added.

Election/Restriction

The Examiner form paragraph regarding Applicant's election is acknowledged, however, Applicant elected, with traverse, Claims 15-23 and 28-37 in Applicant's Response to Restriction Requirement filed on July 15, 2004.

Claim Rejection – 35 U.S.C. §102(b) (Gayla Industries, Inc.)

Claims 15, 16, 21, 22, 23, 28 and 33 are rejected under 35 U.S.C. §102(b) as anticipated by the Gayla Industries, Inc. website print-out of kite assembly instructions. In Action Paragraph 3, the Action mistakenly asserts that Gayla teaches "plural blade portions separably coupled to each other to define a rotating member having a common aperture,"

when, in fact, Gayla teaches only one-piece propellers whose blade portions are not "separably coupled." At page 3/5 of Gayla, in the Parts List, the engine parts are listed as "engine part 4 pieces", "engine cowling 2 pieces," and "propellers 2 pieces." Gayla thus clearly teaches that the propellers are one piece not two piece like the "engine parts." Gayla thus does not teach, as the Action asserts: "plural blade portions separably coupled to each other to define a rotating member having a common aperture."

This being a Section 102 (a) rejection, the sole reference must teach the claimed invention. As just

shown, Gayla does not teach a propeller of plural blade portions that are "separably coupled to define a rotating member having a common aperture." Gayla, instead teaches a non-separably coupled blade portions. Gayla does not offer the advantage of being able to take the blades apart for convenient storage and compact packaging.

Claim 15 is not anticipated by Gayla. Claim 16 depends on claim 15 and is patentable at least for reasons advanced in connection with claim 15.

Claim 21, amended above, is patentable for reasons advanced in connection with its parent claim 15, but also recites that the axle portion extends through the common aperture and is retained there by a retaining member. Since Gayla does not teach the invention common aperture formed by the separably coupled blade portions, Gayla does not teach the aperture of the claim and does anticipate claim 21.

Claim 22 also is patentable over Gayla for reasons advanced in connection with claim 15, and additionally recites the common aperture formed by the separably coupled blade portions that the support aperture registers with. Gayla does not teach these components and necessarily does not teach their recited relationship.

Claim 23 depends on claims 15 and 22 and is patentable over Gayla for reasons advanced in connection with these claims. Further, claim 23 recites that the support portion and the base "snap together." See the snap together relationship of support 28 and base 40 in Fig. 4 herein. Assuming, arguendo, that the engine part of Gayla is a base and the cowling of Gayla is a support, these parts merely interfit with the cowling slipping over the assembled engine parts. Thus, there is no teaching

in Gayla of the snap-together relationship of support and base, and no anticipation by Gayla of claim 23.

Claim 28 is not anticipated by Gayla at least in reciting "plural interlocking blade portions defining a common aperture for receiving an axle supported on said wing portion." The blade portions of Gayla are shown to be a single member, a noninterlocking, multibladed single member propeller.

Claim 33 is not anticipated by Gayla at least in reciting "plural blade portions having intermediate their ends opposed interlocking structure defining a common aperture coincident with said support aperture." The blade portions of Gayla are shown to be a single member, a multibladed single member propeller free of any taught interlocking structure. It appears the propellers in Gayla are molded as a single piece, and there is no suggestion otherwise in Gayla. The Action paraphrasings of the applicant's claims are not supported in this particular by any specific citation to any part of Gayla.

Claim Rejection – 35 U.S.C. §103(a) (U.S. Patent No. 3,814,431 – Callahan)

Claims 17-20, 29-32 and 34-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gayla in view of Callahan (U.S. Patent No. 3,814,431).

Gayla has been discussed; Callahan teaches a boomerang that has no propeller but consists of wings mounted to a shaft-like cylinder about which the wings rotate. Callahan's wings lock together via pins and opposing pinholes. Claims 17 and 20, rejected as obvious in view of Gayla and Callahan, depend on claim 15, discussed above. As it is true of Claim 15 it is true of claim 17 and 20, Gayla is not anticipatory or even suggestive of "plural blade portions having intermediate their ends opposed

interlocking structure defining a common aperture coincident with said support aperture." Callahan does teach *wings* that have interfitting parts apparently via friction or interference fit. But Callahan does not supply what is missing in Gayla, plural blades of a propeller that are separably coupled. The Action terms Callahan's wings as "bladed portions" in an attempt to bridge the reference gap, but the claim is limited to *a propeller system* coupled to a wing portion comprising plural blade portions *separably coupled*. The renaming of Callahan's wings as blades is a departure from the reference teaching that is without support on this record.

Further, the combination of Gayla and Callahan is bad in law and in fact. In fact because the Gayla reference teaches only a one-piece propeller, not a two or more piece propeller, and there is no occasion to substitute the Callahan type of separable connection, friction fit of cooperating pins and holes, where there is no separable connection at all shown in Gayla. To make the combination work, the Examiner must morph Gayla into a multipiece propeller of separably joined blades and then substitute the Callahan mode of separable joining for the (unknown and untaught) mode of separable joining invested into the Gayla teaching. There is no basis in law for this modification of Gayla since there is no teaching or suggestion in either reference for the modification and no motivation in either to take the solid propeller in Gayla, make it multipiece, and add a new mode of connection that is separable per Callahan's teaching of separable wings! Now, really where besides the present invention is there a teaching such as posed by the Action?

The arguments above re claim 17 apply as well to the rejection of claim 18 where the feature of smaller packaging of the separated blades is claimed that is impossible with the single piece propeller of Gayla and not remedied by Callahan who does not teach any propellers, and is irrelevant to claim for a propeller system, and to claim 18 where neither Gayla nor Callahan teach

blade portions that have alternating extended and flat portions that correspond such that the extending portion of one blade corresponds to the flat portion of another blade. Gayla has fixed blade portions; Callahan teaches pins and holes that interfit, and not flats and extending portions, even if the pin was considered an extending portion, the hole is not a flat portion.

Claims 29-32 depend on claim 28, discussed above. These claims are patentable at least for reasons advanced in connection with claim 28. In addition, claim 30 recites that the blade interfitting structure comprises lands and grooves; no reference shows this; claim 31 recites the smaller packaging feature that is not shown in either reference and in fact Gayla teaches the opposite in his fixed blade arrangement; and, claim 32 recites that the blade portions are each identical to the other, etc. and even in the Examiner's expansive reading of Callahan it cannot be said that Callahan teaches identical blades/wings when one section has pins and the other holes.

Claims 34-37 are patentable for reasons advanced in connection with claim 33 and further as to claim 35 in reciting cooperating grooves and lands, as to claim 35 in reciting the packaging advantage, and as to claim 37 in reciting identical structures with alternating grooves and lands arranged to interfit with an opposing interlocking structure when the blade portions are assembled together in angularly offset relation.

The Action suggestion, page 3, that Callahan teaches grooves, that each blade portion in Callahan is identical and that the Callahan interlocking structure comprises the lands and grooves are simply bereft of any support in the reference. Fig. 2 of Callahan has no grooves and lands at least insofar as fastening the wings together is concerned, but relies on pins and holes as noted above. Should this rejection be continued, the Examiner is urged to identify by numeral reference what is being called a

groove, a land, etc. in the Action.

CONCLUSION

Reconsideration and allowance of the application, including all of the claims, are requested.

Respectfully Submitted,

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